GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – MA&UD Department - Allegation of acquisition of assets disproportionate to the known sources of his income against Sri Markonda Patnaikuni Janardhana Rao, Town Planning Building Overseer, Municipal Corporation, Guntur – Departmental action initiated and Prosecution orders were issued - Acquitted by the Judgment of Hon'ble Court of III Additional District Judge-cum-Special Judge for SPE and ACB Cases, Visakhapatnam, dated.31.10.2018 in C.C.No.08/2009 - Further action dropped in both cases – Regularization of suspension period from 22.07.2007 to 05.09.2008 as "On Duty" under F.R.54 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.II) DEPATMENT

G.O.RT.No. 255 **Dated: 04-06-2020**

Read the following:-

1. From the DSP, ACB, Visakhapatnam FAC, Vizianagaram Range, A.P. Police Department message, dated.22.07.2007 & 26.07.2007.
2. Govt.Memo.No.15623/Vig.I(1)/2007-1, dated.31.07.2007.
3. From the DTCP., A.P., Hyderabad, Proceedings Roc.No.7725/2007/M3, dated.02.08.2007.
4. Final report from the Director General, Anti Corruption Bureau, A.P., Hyderabad, Letter Rc.No.140/RCA-VVZ/2007, dated.31.12.2008.
5. G.O.Ms.No.189, MA&UD (VIG.I(1)) Department, dated.26.02.2009.
6. Govt.Memo.No.15623/ Vig.I(1)/2007-12, dated.26.02.2009.
7. From the DTCP., A.P., Hyderabad, Charge Memo No.7725/2007/M3, dated.23.03.2009.
8. From the Director General, Anti Corruption Bureau, A.P., Vijayawada, Letter Rc.No.140/RCA-VVZ/2007-S.12, dated.12.03.2019 along with copy of Judgment dated.31.10.2018 of the Special Judge for ACB Cases-cum-III Additional District & Sessions Judge, Visakhapatnam.
9. G.O.Rt.No.351, MA&UD (Vig.II) Department, dated.20.05.2019.
10. From the DTCP., A.P., Guntur, Proceedings Roc.No.7725/2007/M3, dated.14.06.2019.
11. From the DTCP., A.P., Guntur, Letter Roc.No.2486/2019/M3-2, dated.18.09.2019.

-oOo-

O R D E R:

Whereas it has been brought to the notice of the Government by the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam FAC, Vizianagaram Range that, Sri Markonda Patnaikuni Janardhana Rao, the then Town Planning Building Overseer, Guntur Municipal Corporation is in possession of assets disproportionate to the known sources of his income and a case was registered in Cr.No.7/RCA-ACB/VZM/2007, U/s 13(2) r/w 13(1) (e) of P.C. Act, 1988 of ACB, Vizianagaram Range. In the reference 1st read above, the Deputy Superintendent of Police, Anti Corruption Bureau, Visakhapatnam FAC, Vizianagaram Range has informed that, the Accused Officer Sri M.P.Janardhana Rao, the then TPBO, Guntur Municipal Corporation was arrested on 22.07.2007 at 01.00 PM and produced before the Hon'ble III Addl. District & Sessions Judge-cum-Spl. Judge for ACB Cases, Visakhapatnam for judicial custody.

(P.T.O.)

2. Based on the instructions issued by the Government vide reference 2nd read above, the Director of Town and Country Planning, A.P., Hyderabad has issued orders placing the Accused Officer Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur under suspension from the date of his detention i.e., 22.07.2007 in terms of sub-rule (2) (a) of Rule (8) of APCS (CCA) Rules, 1991 vide reference 3rd read above.

3. In the reference 4th read above, the Director General, Anti Corruption Bureau, Hyderabad has recommended to prosecute the Accused Officer Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur in a court of law under sections 13 (2) r/w 13(1) (e) of the P.C. Act, 1988 and also to initiate departmental action against the Accused Officer for violation of APCS (Conduct) Rules, 1964.

4. In the reference 5th read above, Government after examining the matter, have issued orders to prosecute Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur in a court of law.

5. Further, based on the recommendations of the Director General, Anti Corruption Bureau, A.P., Hyderabad and the instructions issued by the Government vide reference 6th read above, the Director of Town and Country Planning, A.P., Hyderabad has initiated departmental action by framing articles of charges against Sri M.P.Janardhana Rao, the then TPBO for violation of APCS (Conduct) Rules, 1964 vide reference 7th read above.

6. In the reference 8th read above, the Director General, ACB, A.P., Vijayawada while furnishing a copy of the Judgment of the Special Judge for ACB Cases-cum-III Addl. District & Sessions Judge, Visakhapatnam, dt.31.10.2018 in C.C.No.08/2009 against Sri M.P.Janardhana Rao, TPBO, Municipal Corporation, Guntur, informed that, there are no grounds to prefer an appeal against acquittal orders of the trial court and therefore requested to communicate the orders in the matter. The Special Judge for ACB Cases-cum-III Addl. District & Sessions Judge, Visakhapatnam has delivered the following Judgment on 31.10.2018 in C.C.No.08/2009 against Sri M.P.Janardhana Rao:

> *"On a conspectus of entire material on record I find that the prosecution has miserably failed to prove that the AO amassed Assets disproportionate to his known sources of income and the AO is entitled for acquittal.*
>
> *In the result, Accused Officer is found not guilty for the offence U/secs. 13(2) read with 13(1)(e) of Prevention of Corruption Act, 1988 and he is acquitted U/sec.248(1) Cr.P.C., accordingly. The bail bonds of Accused Officer shall stand cancelled after appeal time is over".*

7. The matter has been examined in detail and in the reference 9th read above, orders were issued, dropping further action against Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur, as he was not found guilty of the charges and acquitted by Judgment of Hon'ble Court of III Additional District Judge-cum-Special Judge for SPE and ACB Cases, Visakhapatnam, dated.31.10.2018 in C.C.No.08/2009.

(Contd...3)

8. In the reference 10th read above, the Director of Town & Country Planning, A.P., Guntur has issued orders, dropping the charges framed in departmental action against Sri M.P.janardhana Rao, due to acquittal of criminal case.

9. In the reference 11th read above, Sri M.P.Janardhan, TPBO, Vizianagaram has addressed a letter to the DTCP and requested to regularize his suspension period as duty period. In the reference 12th read above, the DTCP while stating among other things, has requested the Government to issue necessary instructions for passing appropriate orders regarding treatment of suspension period from 22.07.2007 to 05.09.2008 against Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Municipal Corporation, Guntur.

10. Government have examined the entire matter carefully and after following due procedure, it has been decided to regularize the suspension period of Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Guntur Municipal Corporation, from 22.07.2007 to 05.09.2008 as "On Duty" under F.R.54 (B), since both the disproportionate assets case and the departmental action were dropped against the individual. Accordingly, Government hereby order that, the suspension period of Sri M.P.Janardhana Rao, the then Town Planning Building Overseer, Guntur Municipal Corporation, from 22.07.2007 to 05.09.2008 shall be regularized as "On Duty" under F.R.54 (B).

11. The Director of Town & Country Planning, A.P., Guntur shall take further necessary action in the matter under intimation to Government.

12. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Director of Town & Country Planning, A.P., Guntur.
Sri M.P.Janardhana Rao, the then TPBO, Guntur and presently working as TPBO, Vizianagaram Municipality – **through** the DTCP., A.P., Guntur.

Copy to:
The Director General, ACB., Vijayawada, Krishna District.
The Commissioner, Guntur Municipal Corporation, Guntur.
The Municipal Commissioner, Vizianagaram Municipality.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER.